

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

SEAN PRESSLEY,)
)
 Plaintiff,)
)
 v.) Civil Action No. 01-2350
)
SUPT. P. JOHNSON, C.O. CLARK,) Judge William L. Standish/
C.O. YOLINSKY, C.O. M. FREEMAN,) Magistrate Judge Lisa
C.O. G. FREEMAN, LT. BLAKELY,) Pupo Lenihan
CAPT. T. MCCONNELL, C.O. W. DUKE,)
C.O. ABRAMS, C.O. CRUMB, CAPT.)
CLAYBORNE, DR. REUDA, P.A.)
F. POLANDO, DEPUTY SUPT. DICKSON,)
C.O. B. KNIGHT, C.O. FULLER, C.O.)
NEIPORT, CAPT. SIMPSON, H.E.)
MATHEWS, SGT. BEDILION, C.O.)
FRIDLEY, C.O.S. POS. DOE, #1, LT.)
E. FERSON, JOHN DOE, #2, C.O.)
ONSTOTT, C.O. SHAFER, JOHN DOE, #3)
LT. A. BOVO, C.O. ROSE, C.O.)
JOHNSON, C.O. AKERS, SGT. GIDDENS,)
LT. J. HOLMES, SUPT. CONNER)
BLAINE, JOHN DOE, #4, MAJOR)
HASSETT, DEPUTY SUPT. MILLER,)
SMITH, MAHLMEISTER, BRUNO, CAPT.)
GRAINEY, sued in their individual)
and official capacities, C.O.)
SIPOS, NURSE DANNER, JOHN DOE #5,)
JOHN DOE #6, and JOHN DOE #7,)
)
 Defendants.)

ORDER

The above captioned case was referred to United States
Magistrate Judge Ila Jeanne Sensenich for pretrial proceedings in
accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and
Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates. The

case was transferred to Magistrate Judge Lisa Pupo Lenihan on April 6, 2004.

The magistrate judge's Report and Recommendation (Doc. No. 235), filed on March 2, 2006, recommended that Plaintiff's Motion for a Preliminary Injunction (Doc. No. 206) be granted to the extent that it seeks an order requiring Defendants to comply with Pennsylvania Department of Corrections (DOC) policies and procedures and to the extent it seeks the return of his legal property in accordance with DOC policy. It also recommended that to the extent Plaintiff's motion sought additional privileges beyond those provided to inmates housed in disciplinary custody in the RHU, including any items specifically denied to Plaintiff by DOC officials based on legitimate penological concerns such as institutional security, the motion should be denied. All parties were served with the Report and Recommendation and were advised they were allowed ten (10) days from the date of service to file written objections to the report and recommendation. No objections were filed.

After review of the pleadings and documents in the case, together with the report and recommendation, the following order is entered:

AND NOW, this 30th day of March, 2006;

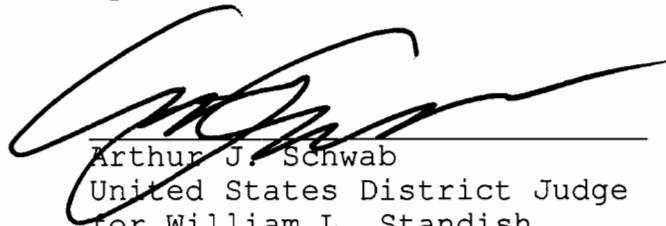
IT IS HEREBY ORDERED that Plaintiff's Motion for a Preliminary Injunction (Doc. No. 206) is **GRANTED** to the extent that it seeks an order requiring Defendants to comply with Pennsylvania Department of Corrections (DOC) policies and

procedures and to the extent it seeks the return of his legal property in accordance with DOC policy.

IT IS FURTHER ORDERED that Plaintiff's motion is **DENIED** as to any additional privileges sought by Plaintiff beyond those provided to inmates housed in disciplinary custody.

IT IS FURTHER ORDERED that the Report and Recommendation (Doc. No. 235) of Magistrate Judge Lenihan, dated March 2, 2006, is adopted as the opinion of the court.

By the Court:



Arthur J. Schwab
United States District Judge
for William L. Standish
United States District Judge

cc: The Honorable Lisa Pupo Lenihan
United States Magistrate Judge

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